

**FILED**  
Clerk  
District Court

**AUG 27 2008**

**For The Northern Mariana Islands**  
**By** \_\_\_\_\_  
(Deputy Clerk)

Kevin Lynch, Chief Prosecutor  
Katie Busenkell, Assistant Attorney General  
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Commonwealth of the Northern Mariana Islands  
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Attorneys for the Commonwealth of the Northern Mariana Islands and the Attorney General of the Commonwealth of the Northern Mariana Islands, in his official capacity.

**THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN MARIANA ISLANDS**

**MOHAMMED KAMAL HOSSAIN,**

**Plaintiff,**

**v.**

**COMMONWEALTH OF THE  
NORTHERN MARIANA ISLANDS and  
MATTHEW GREGORY, in his official  
capacity as Attorney General of the  
Commonwealth of the Northern Mariana  
Islands, and the UNITED STATES OF  
AMERICA,**

**Defendants.**

**Civil Action No. 08-0016**

**SECOND STIPULATION FOR AN  
EXTENSION OF TIME**

NOW COMES the Plaintiff, Mohammad Kamal Hossain ("Plaintiff"), represented by counsel of record Ed Peterson of Micronesian Legal Services, Corp., and the Defendants, the Commonwealth of the Northern Mariana Islands ("the Commonwealth"), Attorney General Matthew Gregory ("Attorney General"), in his official capacity, by and through Kevin Lynch, Chief Prosecutor of the CNMI Office of Attorney General, and Katie Busenkell, Assistant

1 Attorney General of the CNMI Office of Attorney General, and the United States for a  
2 Stipulation for an Extension of Time under Local Rule 7.1 (h)(1).

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4 A. Introduction

5 On June 12, 2008, the Plaintiff served upon the Commonwealth and the Attorney General a  
6 complaint and summons for Civil Case 08-0016. In the complaint, the Plaintiff alleges that the  
7 Commonwealth, the Attorney General, and the United States violated Plaintiff's rights under  
8 the Equal Protection and Due Process Clauses of the Fourteenth Amendment of the  
9 Constitution and various international treaties regarding refugee protection, which were  
10 incorporated and/or adopted by the Commonwealth and/or the United States. Attached to the  
11 complaint was a summons, which expressly stated that the Commonwealth had sixty (60) days  
12 to file an answer to the above-mentioned complaint.

13 On June 26, 2008, the Commonwealth of the Northern Mariana Islands and the Attorney  
14 General filed with the District Court a First Stipulation for an Extension of Time, along with a  
15 supporting affidavit and order. The parties stipulated to an extension of time because the  
16 Commonwealth, the Attorney General of the Commonwealth, and the United States were not  
17 served with the complaint and summons on or near the same date. Rather, there was a gap of  
18 more than forty (40) days between service on the Defendants, whereby creating a situation that  
19 was neither cost nor time efficient for any of the parties involved in this civil case. The United  
20 States District Court signed the order granting/recognizing the stipulation on June 26, 2008.

21 B. Discussion

22 Under the Federal Rules of Civil Procedure, the Court for good cause shown may enlarge  
23 the time a party has to file a motion or pleading, including answering a complaint. Fed. R. Civ.  
24  
25

1 P. 6 (b). It is under this rule that the parties have stipulated to an extension of time believing  
2 that the island wide lack of consistent power qualifies as good cause.


3 The Office of the Attorney General has experienced numerous setbacks in conducting  
4 business and practicing law in a time efficient manner due to the rolling black outs that often  
5 last between one (1) and six (6) hours. Unfortunately, the Office of the Attorney General does  
6 not have a generator. Therefore, during the blackout periods, staff attorneys at the Office of the  
7 Attorney General are unable to use computers, conduct research, and/or utilize copy and fax  
8 machines to exchange information. Though efforts have been made to compensate for the loss  
9 of modern and energy dependent technology, certain deprivations have unavoidably affected  
10 the practice of law. Recognizing the affect that the lack of reliable energy has had on  
11 conducting business, the parties have stipulated to an extension of time of fifteen (15) days to  
12 answer and/or respond to the Plaintiff's complaint.

13 The parties have further stipulated to an extension of the time to answer and/or respond for  
14 the United States. As stated in the first stipulation, a gap of significant time between answers  
15 and/or responses could potentially be a costly and inefficient use of time for all parties  
16 involved, as well as the Court. Thus, the Plaintiff has agreed to grant the United States  
17 additional time to answer and/or respond to the complaint so that the deadline for the  
18 Commonwealth, the Attorney General, and the United States will coincide.

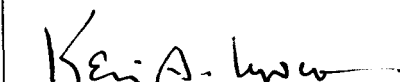
19 C. Conclusion

20 In consideration of the above, the Plaintiff, the Commonwealth, the Attorney General for  
21 the Commonwealth, and the United States have stipulated to an extension of time that would  
22 allow the Commonwealth, the Attorney General for the Commonwealth, and the United States  
23 an additional fifteen (15) days to answer and/or respond to the Plaintiff's complaint.

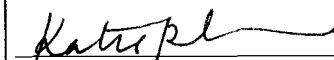
1 Respectfully submitted 27<sup>th</sup> day of August of 2008.

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5 Ed Peterson (CNMI Bar F-0354)  
6 Attorney for Plaintiff Mohammed Kamal Hossain  
7 Micronesian Legal Services Corp.


8/27/08  
Date

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9 Kevin Lynch (CNMI Bar F-0230)  
10 Chief Prosecutor  
11 Office of the Attorney General

27 August 2008  
Date

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12   
13 Kathleen Busenkell (CNMI Bar T-0054)  
14 Assistant Attorney General  
15 Office of the Attorney General

8/27/08  
Date

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17   
18 Eric O'Malley  
19 Assistant United States Attorney General  
20 Office of the United States Attorney General

8/27/08  
Date